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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop
and Adopt Fire-Threat Maps and Fire-Safety
Regulations.

Rulemaking 15-05-006
(Filed May 7, 2015)

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

1. Summary

This Scoping Memo and Ruling sets forth the category, issues, need for hearing, schedule, and other matters regarding the scope this proceeding pursuant to Public Utilities Code Section (Pub. Util. Code §) 1701.1 and Article 7 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure.¹

2. Background

The Commission issued Order Instituting Rulemaking (OIR) 15-05-006 on May 7, 2015. The purpose of Rulemaking (R.) 15-05-006 is to (1) develop and adopt fire-threat maps, and (2) consider the need for new fire-safety regulations based on the adopted maps. R.15-05-006 is the successor proceeding to R.08-11-005 where the Commission adopted numerous new fire-safety

¹ California Code of Regulations, Title 20, Division 1, Chapter 1.

regulations in response to devastating power-line wildfires in Southern California in October of 2007.

Several new regulations adopted in R.08-11-005 apply only to “high fire-threat areas” in Southern California and, to a lesser extent, Northern California. To designate high fire-threat areas, the Commission in R.08-11-005 adopted three interim fire-threat maps. Each map applies to a different area of California. Appendix A of this Scoping Memo lists the regulations that rely on the interim fire-threat maps.

OIR 15-05-006 established the preliminary scope of this successor proceeding as including the development and adoption of Fire Map 1. The Commission adopted Fire Map 1 in Decision (D.) 16-05-036, which was issued in this proceeding on May 27, 2016.

Following the issuance of D.16-05-036, a prehearing conference (PHC) was set by a ruling dated June 2, 2016. In accordance with this ruling, parties filed PHC statements on June 17, 2016, and a PHC was held on June 22, 2016, to discuss the scope, schedule, category, need for hearing, and other matters pertaining to the scope of this proceeding.

3. Scope

Based on OIR 15-05-006, D.16-05-036, and the PHC statements,² the scope of this proceeding is to (1) develop and adopt fire-threat maps to replace the interim maps, and (2) assess the need for new fire-safety regulations based on the adopted fire-threat maps. The following matters are within the scope of this proceeding:

² The ruling setting the PHC invited parties to address in their PHC statements any objections to the preliminary scoping memo in OIR 15-05-006 regarding the category, need for hearing,

Footnote continued on next page

1. Develop and adopt Fire Map 1. This task was completed with the adoption of Fire Map 1 by D.16-05-036. Fire Map 1 depicts areas of California where there is an elevated hazard for the ignition and rapid spread of power-line fires due to strong winds, flammable vegetation, and other environmental conditions associated with the devastating power-line fires that occurred in Southern California in October of 2007. Fire Map 1 will serve as the foundation for the development of Fire Map 2.
2. Develop and adopt Fire Map 2. The purpose of Fire Map 2 is to delineate the boundaries of a new High Fire-Threat District where stronger fire-safety regulations adopted in R.08-11-005 and this proceeding will apply. Fire Map 2 will replace the interim fire-threat maps adopted in R.08-11-005. Existing fire-safety regulations that rely on the interim fire-threat maps will transition to Fire Map 2.
3. Determine the need for new fire-safety regulations in light of Fire Maps 1 and 2. These new regulations may include, for example, new standards for designing, building, and operating overhead utility facilities in the High Fire-Threat District.
4. Assess whether any of the new fire-safety regulations adopted pursuant to Item 3 should apply to existing facilities in the High Fire-Threat District based on cost-benefit considerations and Rule 12 of General Order (GO) 95 and, if so, develop a plan, timeline, and cost estimate for upgrading existing facilities to meet the new regulations.

issues to be considered, and the schedule. These are the same matters that are addressed in written comments submitted in response to an OIR pursuant to Rule 6.2 of the Commission's Rules of Practice and Procedure.

5. Consider proposals related to the “multiply by” provision in Rule 48 of GO 95, provided that such proposals are consistent with the primary purpose of this proceeding of enhancing the fire safety of overhead utility facilities.³
6. Revise GO 95 to include (a) a High Fire-Threat District, (b) maps of the High Fire-Threat District, and (c) any fire-safety regulations developed pursuant to Items 3 - 5.
7. Implementation issues associated with the previous Items, including cost recovery and the timeframe for implementing any new rules and requirements.

The overarching purpose of this proceeding is to protect public safety. Accordingly, topics that advance the goal of public safety and have a nexus to the previously identified items are within the scope of this proceeding.

The scope of this proceeding excludes (i) matters that are focused on reducing utilities’ legal liability; (ii) the procurement of electric generation resources of any type; (iii) replacing GO 95’s design methodology for structures and facilities; (iv) in-depth technical review of GO 95’s Rules 49.3 - 49.7 (inclusive) and associated rules and appendices; and (v) elimination of the “will not fail” provision in GO 95’s Rule 48.

As set forth in D.16-05-036, the next step in this proceeding is to prepare the Fire Map 2 Work Plan, which will provide a detailed road map for the

³ OIR 15-05-006 states at page 7, Footnote 7 (citing D.14-02-015, as modified by D.14-12-089): “To the extent practical, Rule 48 and related rules should reflect location-specific fire hazards. For example, Rule 44 currently specifies a single statewide wind-load safety factor of 4.0 for new Grade A wood poles. We anticipate the fire-threat map(s)... will allow a more granular and cost-effective wind-load standard that better protects public safety... We expect that some areas of the State may need to retain the existing standard, some areas may need a higher standard, and in other areas a lower standard may be reasonable...[P]roposals to modify the ‘multiply by’ provision in Rule 48 should result in consistent application of safety factors throughout Rule 48....”

development and adoption of Fire Map 2.⁴ In accordance with D.16-05-036 and this Scoping Memo, the Fire Map 2 Work Plan shall address the matters identified in Appendices B and C of this Scoping Memo.

San Diego Gas & Electric Company (SDG&E) provided an outline of a proposed methodology for developing Fire Map 2 in its PHC statement, which was discussed at some length at the PHC. SDG&E's proposal is promising, and parties are encouraged to consider and flesh out the proposal during the preparation of the Fire Map 2 Work Plan.⁵ If parties elect to base the Fire Map 2 Work Plan on SDG&E's proposal, the Work Plan should describe how the proposal will produce a statewide Fire Map 2 in a timely manner.

One potential issue with SDG&E's proposal is that it is a bottom-up approach that requires Fire Map 2 to be developed and adopted for each utility's service territory. This bottom-up approach could require considerable time and effort to develop and adopt Fire Map 2 for all service territories and statewide.

In an effort to accelerate the development and adoption of Fire Map 2, Appendix C of this Scoping Memo contains a proposed top-down approach for a statewide Fire Map 2 that is applicable to all utility service territories. The Scoping Memo Proposal reflects input and advice from the California Department of Forestry and Fire Protection (CAL FIRE). Parties shall address the Scoping Memo Proposal in the Fire Map 2 Work Plan. And because the

⁴ D.16-05-036 at 25 – 26.

⁵ Parties may consider other proposed methodologies for developing Fire Map 2 during the preparation of the Fire Map 2 Work Plan.

Scoping Memo Proposal reflects input and advice from CAL FIRE, parties should assume that the Commission will carefully consider the Proposal.⁶

Unlike SDG&E's proposal, the Scoping Memo Proposal would include in Fire Map 2 those areas that are designated a "High" fire-threat zone on CAL FIRE's Fire and Resource Assessment Program (FRAP) Map. This would result in a much larger area being designated as a high fire-threat on Fire Map 2 compared to SDG&E's proposal and the interim fire-threat maps. The inclusion of the FRAP Map's "High" fire-threat zone on Fire Map 2 is consistent with D.12-01-032 wherein the Commission stated, "We will address... the question of whether, and to what extent, those areas that are designated as 'High' fire-threat zones on the FRAP Map should be included in the definition of 'high fire-threat areas'"⁷

4. Procedure for the Development of the Fire Map 2 Work Plan

OIR 15-05-006 and D.16-05-036 require the Fire Safety Technical Panel⁸ (Panel), following the adoption of Fire Map 1 by D.16-05-036, to convene as soon as practical to prepare a detailed work plan for the development, adoption, and implementation of Fire Map 2.⁹

As required by OIR 15-05-006 and D.16-05-036, the Panel shall prepare the Fire Map 2 Work Plan using the same process that was used to prepare the

⁶ The Scoping Memo Proposal may be modified in response to the record developed with respect to the Fire Map 2 Work Plan, in coordination with further input and advice from CAL FIRE.

⁷ D.12-01-032 at 79, Footnote 78. See also D.12-01-032 at 144 – 145.

⁸ The duties of the Fire Safety Technical Panel are identified in OIR 15-05-006 at 11 - 13, and in the *Assigned Commissioner's Amended Scoping Memo and Ruling* that was issued in R.08-11-005 on May 15, 2013, at 7 - 12.

⁹ OIR 15-05-006 at 12 – 13, and D.16-05-036 at 25 – 26 and Ordering Paragraph (OP) 3.

Fire Map 1 Work Plan that is attached to D.14-01-010 unless directed otherwise by the assigned Commissioner and/or the assigned ALJ.¹⁰ All parties may participate in the Panel. The Panel shall be co-chaired by the Commission's Safety and Enforcement Division (SED) advocacy staff, Southern California Edison Company (SCE), and any other parties designated by SED and SCE.

5. Parallel Development of Fire Safety Regulations

The scope of this proceeding includes assessing the need for new fire-safety regulations in light of Fire Maps 1 and 2, and developing and adopting such regulations, as appropriate. To this end, OIR 15-05-006 and D.16-05-036 require the Panel to convene at least quarterly to:

- Consider the need for new fire-safety regulations based on Fire Maps 1 and 2.
- If appropriate, develop a list of potential fire-safety regulations for the design, construction, operation, and/or maintenance of overhead utility facilities in the new High Fire-Threat District.
- Develop criteria regarding: (i) where the fire-safety regulations developed pursuant to the previous bullet should apply with respect to new installations and reconstruction in the High Fire-Threat District; and (ii) whether existing facilities in the High Fire-Threat District should be retrofitted or replaced to conform to the new regulations developed pursuant to the previous bullet. These criteria should include methods for: (a) estimating the costs and safety benefits of proposed fire-safety regulations, and (b) weighing the costs and safety benefits.

¹⁰ OIR 15-05-006 at 12 – 13, and D.16-05-036 at 25 and OP 3.

- Consider and, if appropriate, develop proposed revisions to the “multiply by” provision in GO 95’s Rule 48 in accordance with the guidance provided by Ordering Paragraph 5 of D.14-02-015.

Panel meetings should be conducted in a manner consistent with (1) the instructions in the *Assigned Commissioner’s Amended Scoping Memo and Ruling* that was issued in R.08-11-005 on May 15, 2013, at 7 - 8; and (2) the workshop protocols in Appendix D of the Panel’s report that was filed in R.08-11-005 on September 23, 2013.

The Panel should plan to submit a list of proposed fire-safety regulations shortly after the Commission’s adoption of the Fire Map 2 Work Plan, if not sooner. A ruling, decision, or other guidance will be issued that sets (1) the date for submitting the proposed regulations, and (2) the procedures for considering and adopting the proposed regulations.

6. Application of Existing Fire-Safety Regulations to Fire Map 1

In response to catastrophic power-line wildfires that occurred in Southern California in October of 2007, the Commission in R.08-11-005 adopted several fire-safety regulations that apply specifically to overhead utility facilities located in high-fire threat areas of Southern California and, to a lesser extent, Northern California.¹¹ The Commission used the interim fire-threat maps adopted in R.08-11-005 to designate the high fire-threat areas where these regulations apply.

The recently adopted Fire Map 1 shows that the conditions associated with the power-line wildfires of October 2007 exist in areas that are not designated as high fire-threat areas on the interim fire-threat maps. To address the fire hazard

¹¹ The fire-safety regulations that apply specifically to the high fire-threat areas of Northern and Southern California are listed in Appendix A of this Scoping Memo.

in these “undesigned” high fire-threat areas on Fire Map 1, this Scoping Memo provides notice that the assigned Commissioner may issue a proposed decision that would extend the existing fire-safety regulations that apply specifically to the high fire-threat areas of Southern California to all areas of California, including Northern California, that (1) have a Utility Threat Index of 2,899 or higher on Fire Map 1 (i.e., the top 20% of fire-threat areas on Fire Map 1), and (2) are not designated on the interim fire-threat maps as a high fire-threat area in Southern California (where these regulations already apply).¹²

Parties may file and serve comments on this matter on July 29, 2016, and reply comments on August 12, 2016. Comments should include any amendments to GO 95 and other GOs that would be necessary to extend the existing fire-safety regulations that apply specifically to the high fire-threat areas of Southern California to the highest fire-threat areas on Fire Map 1.

7. Role of CAL FIRE and the IET, and Associated Funding

Fire Map 1 was developed by an Independent Expert Team (IET) overseen by CAL FIRE and with extensive input from the parties. The Commission recognized in OIR 15-05-006 that the knowledge and experience gained by CAL FIRE and the IET during the development of Fire Map 1 may be useful in the development of Fire Map 2 and in advising the Commission regarding any disputes that may arise pertaining to the development, adoption, or implementation of Fire Maps 1 and 2. At the PHC, CAL FIRE reported that it can

¹² Consistent with current practice, the boundaries of Fire Map 1 would be broadly construed. Utilities (electric, telecom, and cable) would be authorized to use their own expertise and judgment to determine if local conditions require them to adjust the boundaries of the map. (D.09-08-029, at OP 2.)

provide ongoing but limited advisory support to the Commission in the range of 2 - 3 hours per month.¹³

OIR 15-05-006 established a mechanism to fund continuing participation by CAL FIRE and the IET.¹⁴ To avoid delays in funding support for CAL FIRE and/or the IET that may be needed going forward, the existing contracts with the IET for the development of Fire Map 1 should be used to the extent possible.

8. Categorization

The Commission preliminarily determined in OIR 15-05-006 that the category of this proceeding is ratesetting. However, this Scoping Memo agrees with the recommendation by most parties that the appropriate category of this proceeding is quasi-legislative. Accordingly, the category of this proceeding is changed from ratesetting to quasi-legislative pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rule). Anyone who disagrees with categorizing this proceeding as quasi-legislative may file an appeal pursuant to Rule 7.6 no later than ten days after the date of this Scoping Memo.

9. Need for Hearings

The Commission preliminarily determined in OIR 15-05-006 that hearings are required in this proceeding. Following the PHC, this Scoping Memo finds that hearings are not necessary at this time, but may be needed at a later date.

10. Ex Parte Communications

In a quasi-legislative proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors, and the

¹³ PHC Transcript at 58 – 63.

¹⁴ OIR 15-05-006 at 11 – 13 and OP 9.

Administrative Law Judge (ALJ) are permitted without restriction or reporting as described in Pub. Util. Code § 1701.4(b) and Article 8 of the Commission's Rules.

11. Intervenor Compensation

In OIR 15-05-006, the Commission stated that:

Pursuant to Public Utilities Code Section 1804(a)(1) and Rule 17.1(a) of the Commission's Rules of Practice and Procedure (Rule), the deadline in this rulemaking proceeding to file notices of intent to claim intervenor compensation is 30 days after the date of the Prehearing Conference that will be scheduled by the assigned Commissioner or the assigned Administrative Law Judge. (OIR 15-05-006, at OP 13.)

In accordance with Pub. Util. Code § 1804(a)(1) and OIR 15-05-006, a customer who intends to seek an award of compensation must file and serve a notice of intent (NOI) to claim compensation no later than 30 days after the PHC held on June 22, 2016. The fact that D.16-05-036 was issued prior to the PHC does not affect the deadline for submitting NOIs 30 days after the PHC.

12. Assigned Commissioner, Assigned ALJ, and Presiding Officer

Michel P. Florio is the assigned Commissioner and Timothy Kenney is the assigned ALJ. Pursuant to Pub. Util. Code § 1701.3 and Rule 13.2(c), Commissioner Florio is the Presiding Officer. In the event the assigned Commissioner is absent, the assigned ALJ shall preside at hearing pursuant to Rule 13.2(d) to the extent permitted by law.

13. Party Status, Service List, Service, and Filing

Persons may request party status in accordance with Rule 1.4.

When serving a document, each party must ensure that it is using the current official service list on the Commission's website. The official service list has been created and is on the Commission's website. Parties should confirm

that their information on the service list is correct and serve notice of any errors on the Commission's Process office, the service list, and the ALJ.

This proceeding will follow the electronic service protocols in Rule 1.10. All parties in this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m. on the date scheduled for service. The format of served documents must comply with the requirements in Rules 1.5 and 1.6. Additionally, Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents.

Rules 1.9 and 1.10 govern service of documents only and do not change the Rules regarding the tendering of documents for filing. Information about electronic filing of documents is available at www.cpuc.ca.gov/PUC/efiling. All documents formally filed with the Commission's Docket Office must include the caption approved by the Docket Office and this caption must be accurate.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Commission's Process Office at process_office@cpuc.ca.gov to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

Finally, any supporting documents required in this proceeding shall be submitted electronically to the Commission's website in accordance with the instructions contained in Appendix D of this Scoping Memo.

14. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures may obtain more information by visiting the Commission's website at <http://consumers.cpuc.ca.gov/pao/>, by calling the

Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY)), or by e-mailing the Public Advisor at public.advisor@cpuc.ca.gov.

15. Schedule

The adopted schedule is:

EVENT	DATE
Public Workshops to Prepare the Fire Map 2 Work Plan.	July - August, 2016
Comments Filed and Served re: Extending the Fire-Safety Regulations Applicable to the High Fire-Threat areas of Southern California to the Highest Fire-Threat Areas on Fire Map 1.	July 29, 2016
Reply Comments Filed and Served.	August 12, 2016
Proposed Decision Mailed re: Extending Fire-Safety Regulations to the Highest Fire-Threat Areas on Fire Map 1.	To Be Determined (TBD)
Status Conference on Workshop Progress Noticed and Hosted by the Advisory Staff of the Commission's Safety and Enforcement Division.	August 18, 2016 1:30 p.m. - 4 p.m. Commission Conference Room
Workshop Report Filed and Served. The Workshop Report Shall Include the Fire Map 2 Work Plan that Addresses the Matters in Appendices B and C of this Scoping Memo.	September 16, 2016
Opening Comments on the Workshop Report Filed and Served.	October 7, 2016
Reply Comments Filed and Served.	October 17, 2016
Deadline to File and Serve Motions for Evidentiary Hearings regarding the Fire Map 2 Work Plan.	October 19, 2016
Proposed Decision Mailed (if no hearings).	November - December 2016
Hearings on the Fire Map 2 Work Plan (if needed), Briefs, and Proposed Decision (if hearings are held).	TBD

EVENT	DATE
Submission Date (if hearings are held).	TBD
Development and Adoption of Fire Map 2 in Accordance with the Approved Fire Map 2 Work Plan.	TBD
Potential New and Revised Fire-Safety Regulations Based on Fire Map 2.	TBD

The assigned Commissioner and/or the assigned ALJ may modify the schedule for the efficient management and fair resolution of this proceeding.

It is the Commission's intent to complete this proceeding within 18 months from the date this Scoping Memo is filed. This deadline may be extended by order of the Commission pursuant to Pub. Util. Code § 1701.5(a). A successor proceeding may be opened, if necessary, to address any remaining issues.

16. Workshops and Meetings

All workshops and Panel meetings in this proceeding shall be open to the public and noticed in the Commission's Daily Calendar. The notice in the Daily Calendar shall inform the public that a decision-maker or an advisor may be present at the workshop or meeting.¹⁵ Parties shall check the Daily Calendar regularly for such notices.

¹⁵ The Daily Calendar notices should be published at least 10 days in advance of the workshop or meeting; state that decision-makers and/or advisors may attend; provide the date, time, and place of the workshop or meeting; identify the means for public attendance (e.g., call-in telephone number); include an agenda or description of the workshop or meeting; and provide a contact person for any questions.

17. Settlement and Alternative Dispute Resolution

While the schedule does not include specific dates for settlement conferences, it does not preclude parties from meeting at other times provided that notice is given consistent with the Commission's Rules.

The Commission offers Alternative Dispute Resolution (ADR) services consisting of mediation, facilitation, and early neutral evaluation. Use of ADR services is voluntary, confidential, and at no cost to the parties. Trained ALJs serve as neutrals. More information about the Commission's ADR services is available at <http://www.cpuc.ca.gov/adr/>.

If requested, the assigned ALJ will refer this proceeding, or a portion of it, to the Commission's ADR Coordinator. Alternatively, the parties may contact the ADR Coordinator directly at adr_program@cpuc.ca.gov. The parties will be notified as soon as a neutral has been assigned; thereafter, the neutral will contact the parties to make scheduling and process arrangements. Alternatively, parties may agree to use outside ADR services at their own expense.

18. Final Oral Argument

In a quasi-legislative proceeding in which a hearing is held, a party has the right to make a Final Oral Argument before the Commission. If a hearing is held in this proceeding, requests for a Final Oral Argument, if any, shall be included in closing briefs pursuant to Rule 13.13.

IT IS RULED that:

1. The scope of the issues for this proceeding is set forth in Section 3 of this Scoping Memo and Ruling.
2. The Fire Map 2 Work Plan shall address the matters identified in Appendices B and C of this Scoping Memo and Ruling.

3. The assigned Commissioner may issue a proposed decision that would extend the existing fire-safety regulations that apply specifically to the high fire-threat areas of Southern California to all areas of California, including Northern California, that (i) have a Utility Threat Index of 2,899 or higher on Fire Map 1 (i.e., the top 20% of fire-threat areas on Fire Map 1), and (ii) are not designated as a high fire-threat area in Southern California on the interim fire-threat maps adopted in Rulemaking 08-11-005 (where these regulations already apply). The schedule for filing and serving comments on this matter is set forth in Section 15 of this Scoping Memo and Ruling.

4. The category of this proceeding is quasi-legislative. Any party who opposes this category may file and serve an appeal no later than ten days from the date of this Scoping Memo and Ruling.

5. Hearings may be necessary in this proceeding, but hearings are not scheduled at this time.

6. The schedule for this proceeding is set forth in Section 15 of this Scoping Memo and Ruling. The assigned Commissioner and/or the assigned Administrative Law Judge may adjust this schedule, as necessary, for efficient management and fair resolution of this proceeding.

7. All workshops and Panel meetings in this proceeding shall be open to the public and noticed in the Commission's Daily Calendar. The notice in the Daily Calendar shall inform the public that a decision-maker or an advisor may be present at the noticed workshop or meeting. Parties shall check the Daily Calendar regularly for such notices.

8. *Ex parte* communications are permitted without restriction or reporting as described in Public Utilities Code Section 1701.4(b) and Article 8 of the Commission's Rules of Practice and Procedure.

9. If a hearing is held, any requests for Final Oral Argument shall be included in closing briefs. The right to Final Oral Argument ceases if a hearing is not held.

10. Parties shall adhere to the instructions in Appendix D of this Scoping Memo and Ruling for submitting supporting documents, as required.

Dated July 15, 2016, at San Francisco, California.

/s/ MICHEL P. FLORIO

Michel P. Florio
Assigned Commissioner

Appendix A

Fire-Safety Regulations that Rely on Interim Fire-Threat Maps

The following fire-safety regulations adopted by the Commission in R.08-11-005 rely on the interim fire-threat maps adopted in R.08-11-005.¹

Communications Infrastructure Providers Northern California	
1.	General Order (GO) 95, Rule 80.1A requires a patrol inspection of specified aerial communication facilities every two years in high fire threat areas of Northern California.
2.	GO 95, Rule 80.1A requires a detailed inspection of specified aerial communication facilities every ten years in high fire-threat areas of Northern California.
3.	GO 95, Rule 80.1B requires an intrusive inspection of wood poles that support only communication facilities be conducted in accordance with the schedule established by GO 165 if these wood poles are within one span of a joint-use pole supporting supply lines in the high fire-threat areas of Northern California.

Communications Infrastructure Providers Southern California	
1.	GO 95, Rule 18A, requires communications infrastructure providers to place a high priority on the correction of significant fire-safety hazards in high fire-threat areas of Southern California.
2.	GO 95, Rule 80.1A requires a patrol inspection of specified aerial communication facilities every year in high fire-threat areas of Southern California.
3.	GO 95, Rule 80.1A requires that a detailed inspection of specified aerial communication facilities every five years in high fire-threat areas of Southern California.

¹ The fire-safety regulations applicable to high fire-threat areas are identified in OIR 15-05-006 at 3 - 4, and in D.12-01-032 at 143 - 144.

Communications Infrastructure Providers Southern California	
4.	<p>GO 95, Rule 80.1B requires intrusive inspections of wood poles that support only communication facilities to be conducted in accordance with the schedule established by GO 165 if these wood poles are:</p> <ul style="list-style-type: none"> ▪ Interset between joint-use poles supporting supply lines in the high fire threat areas of Southern California. ▪ Within three spans of a joint-use pole supporting supply lines in the high fire-threat areas of Southern California.

Electric Utilities Northern California	
1.	<p>GO 166, Standard 1.E., requires electric utilities in Northern California to determine if they have overhead power-line facilities located in areas that are (1) high fire-threat areas, and (2) subject to extreme fire-weather events. If there are such facilities, an electric utility must develop and submit a plan to reduce the risk of fire ignitions by such facilities during extreme fire-weather events.</p>

Electric Utilities Southern California	
1.	<p>GO 95, Rule 18A, requires electric utilities to place a high priority on the correction of significant fire-safety hazards in high fire-threat areas of Southern California.</p>
2.	<p>GO 95, Rule 35, Table 1, Case 14, requires increased radial clearances between bare-line conductors and vegetation in high fire-threat areas of Southern California.</p>
3.	<p>GO 95, Rule 35 and Appendix E, specifies increased time-of-trim clearances between vegetation and energized conductors in high fire-threat areas of Southern California.</p>
4.	<p>GO 165, Appendix A, Table 1, requires more frequent patrol inspections of overhead power-line facilities in rural areas located in high fire-threat areas of Southern California.</p>
5.	<p>GO 166, Standard 1.E, requires electric utilities in Southern California to develop and submit a plan to reduce the risk of fire ignitions by overhead power-line facilities located in high fire-threat areas during extreme fire-weather events.</p>

Appendix B

Contents of the Fire Map 2 Work Plan¹

1. The Fire Map 2 Work Plan prepared jointly by the parties shall include a detailed work plan for the development, adoption, and implementation of a Fire Map 2 that:
 - i. Incorporates Fire Map 1.
 - ii. Covers the entire state.
 - iii. Identifies the types and locations of overhead power-line facilities in the high fire-threat areas.
 - iv. Identifies the types and locations of aerial telecommunications facilities in close proximity to overhead power-line facilities in the high fire-threat areas.
 - v. Integrates with the fire-prevention measures adopted in R.08-11-005 and this proceeding (R.15-05-006) that rely on fire-threat maps for their implementation.
 - vi. Will be available to Commission staff, fire-safety agencies, and the public, while also protecting information about critical infrastructure or which may be proprietary.
2. The Fire Map 2 Work Plan shall include the following:
 - i. The types of information, the level of detail, and other characteristics that Fire Map 2 must possess.
 - ii. A detailed work plan for the funding (if needed), development, expert review (if needed), adoption, and implementation of Fire Map 2
 - iii. The specific technical expertise from neutral third parties such as CAL FIRE that is needed, if any, to develop and/or review Fire Map 2, and an explanation of how this expertise can be obtained. Recommendations for obtaining assistance from

¹ The required contents of the Fire Map 2 Work Plan are based on D.16-05-036, Ordering Paragraph 3, as refined and augmented by this Scoping Memo and Ruling.

CAL FIRE should take into account that CAL FIRE's ability to provide assistance is limited. (PHC Transcript at 58 – 63.)

- iv. If the Fire Map 2 Work Plan anticipates contracting with neutral experts, the work plan shall (a) identify who will select the neutral experts; (b) explain how the contracting process will work; and (c) identify who will oversee the work performed by the neutral experts.
- v. The estimated cost to carry out Item 2.ii above, including the cost of contracting with neutral experts, if necessary.
- vi. A recommended funding mechanism, if needed, for the development, expert review (if needed), and implementation of Fire Map 2. One option is to provide utility funding and cost recovery using the Fire Hazard Prevention Memorandum Accounts that are described in D.12-01-032 at pages 153 – 156.
- vii. A proposed schedule, recommended procedures (e.g., workshops), and milestones for the actual development, expert review (if needed), adoption, and implementation of Fire Map 2, including conforming revisions to GO 95 and GO 165.
- viii. A discussion of whether electric utilities and communication infrastructure providers (CIPs) should be able to adjust the boundaries of Fire Map 2 based on their own expertise and local conditions and, if so, whether and how such adjustments should be vetted and incorporated into the approved Fire Map 2.
- ix. A description of how the adopted Fire Map 2 should be updated, the frequency of such updates, and the procedure by which the updated Fire Map 2 will be incorporated into GO 95 and other GOs, if applicable.
- x. An statement of whether the adoption of Fire Map 2 is subject to the California Environmental Quality Act (CEQA) and, if so, when and how the CEQA review would occur.
- xi. Alternative recommendations if the parties cannot reach a consensus on all issues. The alternatives should provide the same level of detail as the Fire Map 2 Work Plan. It will be the responsibility of any party proposing an alternative to prepare the alternative that is included in the Fire Map 2 Work Plan.

- xii. A list of Commission actions that may be required to implement the Fire Map 2 Work Plan and alternatives, such as rulings and/or Commission decisions approving the (a) work plan, (b) any associated funding mechanism, and/or (c) the final Fire Map 2.
3. The Fire Map 2 Work Plan shall address:
- i. Validation of Fire Map 2 against historical fires.
 - ii. Incorporating into Fire Map 2 additional factors and conditions that affect fire hazards associated with overhead utility facilities generally and at specific locations (e.g., Laguna Beach). Such factors and conditions may include the parties' knowledge of (A) terrain; (B) vegetation (e.g., potential contact between trees and power lines in low-wind areas); (C) areas designated as high hazard zones pursuant to the Governor's Proclamation of a State of Emergency issued on October 30, 2015; (D) microclimates; (E) historical power-line fires besides the October 2007 fires in Southern California (e.g., the September 2015 Butte Fire in Amador and Calaveras Counties); (F) other historical fires; and (G) other factors and conditions.
 - iii. Incorporating into Fire Map 2 the fire hazards associated with historical power-line fires besides the October 2007 fires in Southern California. These other power-line fires include the Butte Fire that burned 71,000 acres in Amador and Calaveras Counties in September 2015.²
 - iv. Whether historical fires and other factors demonstrate that the City of Laguna Beach should be designated as a high fire-hazard area on Fire Map 2.³
 - v. Incorporating into Fire Map 2 the utilities' knowledge of local conditions in setting the boundaries of the High Fire-Threat District.⁴

² Items 3.ii and 3.iii overlap.

³ Items 3.ii and 3.iv overlap.

⁴ Items 2.viii, 3.ii, and 3.v overlap.

- vi. Incorporating into Fire Map 2 the consequences (i.e., risks) of power-line wildfires.
 - vii. Transitioning existing regulations that rely on interim fire-threat maps to Fire Map 2.
4. The Fire Map 2 Work Plan shall address the proposal for a statewide Fire Map 2 contained in Appendix C of this Scoping Memo and Ruling.
 5. Any other matters the parties deem appropriate, provided that such matters are within the scope of the Fire Map 2 Work Plan. Such matters may include those listed in Item 2 of the ruling dated June 2, 2016, at pages 4 – 5, but parties should be careful about slowing and/or overloading the development of Fire Map 2 with additional topics.
 6. When possible, the Fire Map 2 Work Plan and any alternatives to the Work Plan should enable the rapid development and adoption of Fire Map 2.

(END OF APPENDIX B)

Appendix C

Scoping Memo Proposal for a Statewide Fire Map 2

1. Issue and Proposed Solution

Issue: The California Public Utilities Commission needs to adopt a sound, workable, statewide Fire Map 2 (FM 2) as soon as possible.

Proposed Solution: This Scoping Memo proposes a single statewide FM 2 that may be quicker to develop and adopt compared to a FM 2 that is developed separately for each utility's service territory.

2. Summary of the Scoping Memo's Proposal for Fire Map 2

- A. FM 2 would consist of four (4) Layers, with each Layer reflecting different utility-related fire hazards and risks.
- B. Each Layer would have its own boundaries.
- C. Each Layer would have up to three (3) Tiers for ranking mapped fire hazards: Extreme, Very High, and High. This is consistent with the approach used by CAL FIRE's FRAP Map (Fire Threat).¹

3. The Four (4) Layers of Fire Map 2

Layer 1: Fire Map 1.²

- A. Fire Map 1 (FM 1) is the best available science for designating areas where utility-related wildfires are likely.
- B. Layer 1 would consist of areas representing the top 40% of FM 1's Utility Fire-Threat Index, subdivided into three (3) Tiers:

Tier 1: Extreme. Top 10% of FM 1's Utility Fire Threat Index.

¹ The FRAP Map (Fire Threat) has four fire-threat classes for wildland areas: Extreme, Very High, High, and Moderate. It has two classes for non-wildland areas: Non-Fuel and Not Mapped.

² A PDF version of FM 1 was filed in this proceeding on February 16, 2016, and is available on the Commission's Docket Card for this proceeding (R.15-05-006). The GIS version of FM 1 can be obtained in accordance with the instructions in the Notice of Availability that was concurrently filed with the PDF version of FM 1.

Tier 2: Very High. Next 10% of Utility Fire Threat Index.

Tier 3: High. Next 20% of Utility Fire Threat Index.

- C. There may be known cases of utility fires in the bottom 60% of the FM 1's Utility Fire-Threat Index that indicate a lower threshold should be considered.

Layer 2: FRAP Map (Fire Threat).³

- A. The FRAP Map (Fire Threat) depicts areas where there is a high threat for wildfires. While the wildfire threat is not specific to utilities, a utility-ignited fire in Layer 2 can pose a significant public safety risk (e.g., the Butte Fire in September 2015).
- B. Layer 2 would consist of three (3) Tiers from the FRAP Map: Tier 1 would be the Extreme fire-threat zone on the FRAP Map, Tier 2 the Very High fire-threat zone on the FRAP Map, and Tier 3 the High fire-threat zone on the FRAP Map. The Moderate fire-threat zone on the FRAP Map would not be in Layer 2.

Layer 3: The United States Forest Service (USFS) and CAL FIRE's joint map of Tree Mortality High Hazard Zones.⁴

- A. Layer 3 would consist of Tier 1 on the USFS/CAL FIRE map, which are "zones in direct proximity to communities, roads, and utility lines. They represent a direct threat to public safety."⁵
- B. Layer 3 would have one (1) Tier. All areas in Layer 3 would be classified on FM 2 as "Very High."
- C. Layer 3 would need to reflect the dynamic nature of tree mortality data collected and maintained by USFS/CAL FIRE (e.g., tree mortality is spreading/expanding, and new methods for finding dead trees are emerging).

³ The map is available at: http://frap.fire.ca.gov/data/frapgismaps/pdfs/ftthreat_map.pdf.

⁴ The map is available at: http://www.fire.ca.gov/treetaskforce/downloads/HighHazardZones_Tier1_Tier2_lite.pdf.

⁵ Ibid.

Layer 4: Communities at risk from wildfire (CARs).

- A. Layer 4 would show areas of critical concern due to human occupation that places public safety and private property at risk of damage/loss from wildfire.
- B. Layer 4 would consist of areas that are:
 - i. Classified as “Very High” on CAL FIRE’s map of Fire Hazard Severity Zones (FHSZs),⁶ and
 - ii. Within the boundaries of communities on record with CAL FIRE as being at risk from wildfire and to a distance of 1.5 miles outside the edges of the CARs boundaries.⁷
- C. To determine the area covered by Layer 4, the CARs boundaries (where available) would be overlaid on CAL FIRE’s map of FHSZs.
- D. Layer 4 would have one (1) Tier. All areas in Layer 4 would be classified on FM 2 as “Very High” (because of the risk to the mapped communities).

4. Quality Control

- A. The four (4) Layers of Fire Map 2 should together capture geographical areas that have elevated utility-related wildfire hazards and risks.
- B. For quality control, the combined boundaries of the four (4) Layers would be compared to CAL FIRE’s map of historical fire perimeters.⁸
- C. Historical perimeters for large fires (100+ acres) that lie entirely outside of the combined four (4) Layers would need to be assessed.

⁶ Maps of FHSZs are available at:

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.

⁷ There are approximately 1,329 communities currently on record with CAL FIRE as being at risk from wildfire, including the City of Laguna Beach. The list is available at:

http://osfm.fire.ca.gov/fireplan/fireplanning_communities_at_risk.

⁸ The map is available at: http://frap.fire.ca.gov/data/frapgismaps/pdfs/firep_12_map.pdf.

- D. Additional quality control: Utilities could deviate from the boundaries of each Layer based on their knowledge of local fire hazards, risks, and other conditions. All deviations would have to protect safety.

5. Fire Map 2 and Fire-Safety Regulations

- A. The purpose of Fire Map 2 is to establish geographical boundaries where stricter fire-safety regulations apply.
- B. As described above, Fire Map 2 would have four (4) Layers. Each Layer would have its own boundaries.
- C. A stricter fire-safety regulation would apply to a particular Layer only if the regulation is intended to reduce the fire risk associated with the particular Layer.
- D. Layers 1 and 2 would each have three Tiers: Extreme, Very High, and High. Fire-safety regulations would apply differently to each Tier based on the fire risk associated with each Tier.
- E. Layers would overlap geographically. Thus, one to four Layers could apply to a given area. Where overlap occurs, the fire-safety regulations for each overlapping Layer would apply.
- F. The following matrix illustrates the application of Layers and fire-safety regulations:

Fire Map 2 Layers								
	<u>Layer 1</u> Fire Map 1			<u>Layer 2</u> FRAP Map (Fire Threat)			<u>Layer 3</u> Tree Mortality	<u>Layer 4</u> CARs
Regulation	Tier 1 Extreme	Tier 2 Very High	Tier 3 High	Tier 1 Extreme	Tier 2 Very High	Tier 3 High	Very High	Very High
Regulation X	✗	✗						
Regulation Y	Y	Y		Y	Y		Y	Y
Regulation Z	Z	Z	Z	Z	Z	Z	Z	Z

In the above Table, Regulation X would apply only to Layer 1, Tiers 1 and 2 (but not Tier 3). Regulation Y would apply to all Layers, but not all Tiers.

Regulation Z would apply to all Layers and all Tiers.

The fire-safety regulations in the above Table are additive; the regulations for one Layer are added to the regulations of overlapping Layers. Additional fire-safety regulations could be adopted to address the cumulative fire hazards and risks of overlapping Layers.

6. Fire Map 2 Implementation

- A. Fire Map 2 would replace the interim fire-threat maps.
- B. The footprint of existing fire-safety regulations on the interim fire-threat maps would be the same on FM 2 to the extent practical.⁹
 - i. The footprint of existing fire-safety regulations that rely on the FRAP Map and the modified FRAP Map would transition directly to FM 2, Layer 2, Tiers 1 and 2.
 - ii. A transition plan would need to be developed to transfer the footprint of existing fire-safety regulations that rely on the interim Reax Map to FM 2.
 - iii. Note: Following the transition of existing fire-safety regulations to FM 2, the footprint of existing regulations on FM 2 may be adjusted later in this proceeding as part of the assessment of the need for new and revised fire-safety regulations based on the adopted FM 2.
- C. Utilities (electric, telecom, and cable) could deviate from the FM 2 boundaries for each Layer based on their knowledge of local fire hazards, risks, and other conditions.¹⁰ All utility deviations would have to protect safety.

⁹ Appendix A of this Scoping Memo and Ruling lists the existing fire-safety regulations that that rely on the interim fire-threat maps.

¹⁰ Utilities are currently authorized to deviate from the boundaries of the interim fire-threat maps. (D.09-08-029 at OP 2; and D.12-01-032 at OP 12.

7. Advantages of the Scoping Memo's Proposed Fire Map 2

- A. Statewide.
- B. Objectively Reasonable: Based on FM 1 and existing CAL FIRE maps.
- C. Protects Public Safety: The four (4) Layers of FM 2 designate areas where stricter fire safety regulations are needed. Areas outside of FM 2 have a lower fire hazard.
- D. Captures the Butte Fire and the associated utility-related fire hazards/risks through Layer 2.
- E. Potentially faster adoption of a statewide FM 2 compared to piecemeal development of FM 2 for each utility.

(END OF APPENDIX C)

Appendix D

Instructions for the Electronic Submission and Format of Supporting Documents

The Commission's website accepts electronic submittal of supporting documents such as testimony and work papers.

If such documents are required in this proceeding, parties shall submit their testimony or work papers in this proceeding through the Commission's electronic filing system.¹ Parties must adhere to the following:

- The Instructions for Using the "Supporting Documents" Feature:
(<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=158653546>) and
- The Naming Convention for Electronic Submission of Supporting Documents:
(<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=100902765>).
- The Supporting Document feature does not change or replace the Commission's Rules of Practice and Procedure. Parties must continue to adhere to all rules and guidelines in the Commission's Rules of Practice and Procedures including but not limited to rules for participating in a formal proceeding, filing and serving formal documents and rules for written and oral communications with Commissioners and advisors (i.e., "*ex parte* communications") or other matters related to a proceeding.

¹ These instructions are for submitting supporting documents such as testimony and work papers in formal proceedings through the Commission's electronic filing system. Parties must follow all other rules regarding serving testimony. Any document that needs to be formally filed such as motions, briefs, comments, etc., should be submitted using Tabs 1 through 4 in the electronic filing screen.

- The Supporting Document feature is intended to be solely for the purpose of parties submitting electronic public copies of testimony, work papers and workshop reports (unless instructed otherwise by the ALJ), and does not replace the requirement to serve documents to other parties in a proceeding.
- Unauthorized or improper use of the Supporting Document feature will result in the removal of the submitted document by the CPUC.
- Supporting Documents should not be construed as the formal files of the proceeding. The documents submitted through the Supporting Document feature are for information only and are not part of the formal file (i.e., “record”) unless accepted into the record by the ALJ.

All documents submitted through the “Supporting Documents” Feature shall be in PDF/A format. The reasons for requiring PDF/A format are:

- Security – PDF/A prohibits the use of programming or links to external executable files. Therefore, it does not allow malicious codes in the document.
- Retention – The Commission is required by [Resolution](#) L-204, dated September 20, 1978, to retain documents in formal proceedings for 30 years. PDF/A is an independent standard and the Commission staff anticipates that programs will remain available in 30 years to read PDF/A.
- Accessibility – PDF/A requires text behind the PDF graphics so the files can be read by devices designed for those with limited sight. PDF/A is also searchable.

Until further notice, the “Supporting Documents” do not appear on the Docket Card. In order to find the supporting documents that are submitted electronically, go to:

- Online documents, choose: “E-filed Documents, ”
- Select “Supporting Document” as the document type, (do not choose testimony),
- Type in the proceeding number and hit search.

Please refer all technical questions regarding the submittal of supporting documents to:

- Kale Williams (kale.williams@cpuc.ca.gov)
(415) 703-3251 and
- Ryan Cayabyab (ryan.cayabyab@cpuc.ca.gov)
(415) 703-5999

(END OF APPENDIX D)